



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

OCT 24 2013

VIA FIRST CLASS MAIL

Paul B. Haring  
P.O. Box 1100  
Goliad, TX 77963

RE: MUR 6562  
Paul B. Haring

Dear Mr. Haring:

On May 1, 2012, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On October 22, 2013, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated the Act or underlying Commission regulations. Accordingly, the Commission closed its file in this matter on October 22, 2013.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

General Counsel

BY: Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination and  
Legal Administration

Enclosure:  
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Paul B. Haring

MUR 6562

**I. INTRODUCTION**

This matter was generated by a Complaint filed by Arturo I. Martinez de Vara alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") by Paul B. Haring ("Haring" or "Respondent"). After reviewing the record, the Commission found no reason to believe that Respondent violated the Act or underlying Commission regulations.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Factual Background**

The Complaint alleges that Haring filed to become a candidate from Texas's 34th Congressional District on December 19, 2011, according to the Republican Party of Texas's website, <http://candidates.texasgop.org/candidates/paul-b-haring>.<sup>1</sup> The Complaint asserts that as of April 18, 2012, Haring had not filed a Statement of Candidacy, or FEC Form 2, designating a principal campaign committee within 15 days of becoming a candidate, as required by 11 C.F.R. § 101.1(a). Compl. at 1. Additionally, the Complaint asserts that Haring failed to file a Statement of Organization, or FEC Form 1, within 10 days thereafter, in violation of 11 C.F.R. § 102.1(a). *Id.*

According to the Complaint, Haring was required to file the forms because he allegedly had been "campaigning" and operated an "active multi-county campaign since December [2011]." *Id.* Specifically, the Complaint cites to the Commission's testing the waters provisions

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<sup>1</sup> The Commission was unable to open the website in order to verify the date of Haring's alleged filing. The Texas GOP website <http://candidates.texasgop.org> lists Haring's name, home city, occupation, and date of birth, but does not disclose the date on which he filed as a Congressional candidate.

1 and identifies the following campaign activities allegedly performed by Haring: taking action to  
2 qualify for the ballot; making statements referring to himself as a candidate; using advertising to  
3 publicize his campaign; and conducting these activities over a protracted period of time or  
4 shortly before the election. *Id.*

5 In his Response, Haring states that he had been an unsuccessful candidate for Congress in  
6 2012. Resp. at 1. He explains that he did not file FEC Forms 1 or 2 or subsequent financial  
7 disclosure reports because he did not receive contributions or make expenditures exceeding  
8 \$5,000 and therefore did not qualify as a "candidate" as defined by the Act.

9 Haring also denies that his campaign purchased signs, advertisements in newspapers, the  
10 internet, or on radio, distributed mass mailings or made robocalls, although he acknowledges  
11 receiving "considerable free publicity from news stories about the election." *Id.* Finally, Haring  
12 states that when he ran for Congress in 2010, he qualified as a candidate and therefore made the  
13 requisite filings with the Commission. *Id.*

#### 14 B. Legal Analysis

15 Under the Act and Commission regulations, an individual who becomes a candidate must  
16 file a Statement of Candidacy, or FEC Form 2, designating his or her principal campaign  
17 committee within 15 days after becoming a candidate. 2 U.S.C. § 432(e)(1); 11 C.F.R.  
18 § 101.1(a). An individual becomes a candidate for federal office when he or she receives  
19 contributions or makes expenditures in excess of \$5,000. 2 U.S.C. § 431(2); 11 C.F.R. § 100.3.  
20 The Commission also requires that the candidate's principal committee file a Statement of  
21 Organization within 10 days after designation. 2 U.S.C. § 433(a); 11 C.F.R. § 102.1(a).  
22 Subsequently, the principal committee of a candidate for the House of Representatives or the

Senate must timely file quarterly reports and, when necessary, pre-election and post-election reports, covering specified periods of time. 11 C.F.R. § 104.5(a)(1)-(2).

Here, the Complaint does not allege, nor is there any indication, that Haring received contributions or made expenditures exceeding \$5,000. Thus, Haring did not qualify as a "candidate" under the Act or Commission regulations, nor did he trigger the Act's registration and reporting requirements. Therefore, the Commission found no reason to believe that Paul B. Haring violated the Act or underlying Commission regulations.